

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:)	
)	Bankruptcy No. 24-20784 CMB
Brian Pendo)	
Amanda Pendo)	
	Debtor(s))	
Brian Pendo)	Chapter 13
Amanda Pendo)	
	Movant(s))	
v.)	Related to Docket No. 42
)	
PNC Bank, National Association,)	
Washington County Tax Claim Office,)	
Charleroi Area School District, Twilight)	
Borough, Authority of the Borough of)	Hearing: 7/11/24 at 2:30 PM
Charleroi, Keystone Collections Group,)	
and Ronda J. Wynecour, Trustee)	
	Respondent(s))	

**ORDER APPROVING SALE FREE AND CLEAR OF ALL LIENS, CLAIMS AND
ENCUMBRANCES PURSUANT TO 11 U.S.C. SECTION 363(b)**

AND NOW, upon consideration of the Motion for the Sale Free and Clear of All Liens, Claims and Encumbrances, and after hearing on said Motion, the Court finds as follows:

1. Pursuant to 11 U.S.C. Section 363(b), the Debtors have effectuated service of the Motion for Sale of Property Free and Clear of All Liens, Claims and Encumbrances (the Sale Motion) and the related Notice of Sale setting the hearing and response deadline upon the Respondents, and all other parties in interest as required by the applicable Bankruptcy Rules.

2. That sufficient general notice of said hearing and sale, together with the confirmation hearing thereon, was given to the creditors and parties in interest by the moving party as shown by the certificate of service duly filed and that the named parties were duly served with the Motion.

3. That said sale hearing was duly advertised in: Observer Reporter and Washington County Bar Association Legal Journal. Proofs of Publication to be filed when received by counsel for Debtor. The sale was also duly posted in the EASI system.

4. That at the sale hearing the highest/best offer received was that of the above Purchaser(s) (identified in paragraph 5) and no objections to the sale were made which would result in cancellation of said sale.

5. That the price of \$301,500.00 offered by Beth and Justin Pennington was a full and fair price for the property in question.

6. That the Purchaser(s) has acted in good faith with respect to the within sale in accordance with In re Abbotts Dairies of Pennsylvania, Inc. 788 F2d. 143(3d Cir. 1986)

7. The liens and claims to be divested are PNC Bank, National Association, Washington County Tax Claim Office, Charleroi Area School District, Twilight Borough, Authority of the Borough of Charleroi and Keystone Collections Group.

Now therefore, it is **ORDERED, ADJUDGED AND DECREED** that the sale by Special Warranty Deed of the real property described as 331 State Street, Charleroi, PA 15022 is hereby **CONFIRMED** to Beth & Justin Pennington, for \$301,500.00, free and divested of the above recited liens and claims, and, that the Movant is authorized to make, execute and deliver to transfer title to the property purchased upon compliance with the terms of sale;

IT IS FURTHER ORDERED, that the above recited liens and claims, be, and they hereby are, transferred to the proceeds of sale, if and to the extent they may be

determined to be valid liens against the sold property, that the within decreed sale shall be free, clear and divested of said liens and claims;

FURTHER ORDERED, that the following expenses/costs shall immediately be paid at the time of closing. **Failure of the closing agent to timely make and forward the disbursements required by this Order** will subject the closing agent to monetary sanctions, including among other things, a fine or the imposition of damages, after notice and hearing, for failure to comply with the above terms of this Order.

- (1) The following lien(s)/claims(s) to be paid in full: PNC Bank, National Association (first mortgage) and PNC Bank, National Association (second mortgage)
- (2) Delinquent *real estate taxes, if any*: Washington County, PA, Charleroi Area School District, Twilight Borough and Keyston Collections Group, *final water to*: Authority of the Borough of Charleroi
- (3) Current *real estate taxes, if any*: Washington County, PA, Charleroi Area School District, Twilight Borough and Keyston Collections Group, *final water to*: Authority of the Borough of Charleroi
- (4) The costs of local newspaper advertising in the amount of \$141.72 to “Rice & Associates Law Firm”, 15 W. Beau Street, Washington, PA 15301
- (5) The costs of legal journal advertising in the amount of \$81.25 to “Rice & Associates Law Firm”, 15 W. Beau Street, Washington, PA 15301
- (6) The Court approved realtor commission in the amount of \$18,090.00

(7) Court approved attorney fees in the amount of \$5,459.36 to "Rice & Associates Law Firm", 15 W. Beau Street, Washington, PA 15301

(8) Chapter 13 Trustee "percentage fees" in the amount of \$1,810.85. payable to "Ronda J. Winnecour, Ch. 13 Trustee, W.D.PA, PO Box 84051, Chicago, IL 60689"

(9) Exemption amount to Debtors, Brian and Amanda Pendo, in the amount of \$52,431.00

(10) The remainder of funds shall be paid after payment of items 1 through 9, from the closing as identified on the Draft Closing Disclosure to the Chapter 13 Trustee payable to "Ronda J. Winnecour, Ch. 13 Trustee, W.D.PA, PO Box 84051, Chicago, IL 60689, for general plan funding. The debtor shall file an amended plan **within thirty (30) days following the closing** that incorporates the funding provided by the sales proceeds.

FURTHER ORDERED that:

(1) Closing shall occur within thirty (30) days of this Order and, **within seven (7) days following closing**, the Movant shall file a report of sale;

(2) This Sale Confirmation Order survives any dismissal or conversion of the within case; and

(3) **Within seven (7) days of the date of this Order**, the Movant shall serve a copy of the within Order on each Respondent (i.e., each party against whom relief is sought) and its attorney of record, if any, upon any attorney or party who answered the Motion or appeared at the hearing, the

attorney for the debtor, the Purchaser, and the attorney for the Purchaser, if any, and file a certificate of service.

Prepared by: Scott R. Lowden, Esq.

Dated

United States Bankruptcy Judge